

REMARKS

OVERVIEW

Claims 1-19 and 22-23 are pending in the current application. Claims 1, 8 and 15 have been amended. Claims 22 and 23 have been cancelled. The present response is an earnest effort to place all claims in proper form for immediate allowance.

ALLOWABLE SUBJECT MATTER

Applicant gratefully acknowledges that the Examiner has previously found certain claims allowable. In particular, the Examiner has found claims 15-19 to be allowable.

CLAIM OBJECTION

Claim 15 has been objected to because of an informality. Claim 15 has been amended to replace the phrase "rewardly angled" with "rearwardly angled". The Applicant respectfully requests this objection to now be withdrawn.

ISSUES REGARDING THE SPECIFICATION

The disclosure has been objected to because newly added Figures 8-11 were not referenced in the Detailed Description of the Specification. The Applicant has amended the paragraph bridging pages 4 and 5 of the originally-filed specification to reference newly added Figures 8-11. The Applicant respectfully requests that this objection now be withdrawn.

ISSUES REGARDING THE DRAWINGS

The drawings were objected to under 37 C.F.R. § 1.83(a). The claims have been amended removing the limitation of the lower ends being "in a common horizontal plane". The Applicant respectfully requests this objection to be withdrawn and that the drawings are in proper form.

ISSUES UNDER 35 U.S.C. § 112

Claims 1-7, 22 and 23 have been rejected under 35 U.S.C. § 112, first paragraph. Claims 22 and 23 have been cancelled. The claim limitation directed towards the lower ends being "in a common horizontal plane" has been deleted from claim 1. Claims 2-7 depend from claim 1. The Applicant respectfully submits that claims 1-7 now comply with the written description requirement and respectfully requests that this objection be withdrawn.

ISSUES UNDER 35 U.S.C. § 103

Claims 1-14 and 22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,752,322 to Fiocca in view of U.S. Patent No. 5,601,195 to Finola. Claim 22 has been cancelled. Claim 1 and claim 8 have been amended to include the subject matter of claim 15 that the Examiner has indicated is allowable. Claim 1 now includes the limitation "the upper ends of the tines of one set being spaced progressively farther apart from the tines of the other set as one or both of the sets of tines are folded from the upright position to the lowered position such that the tall object supported by tines will be tilted progressively farther from a vertical plane as the tines are folded toward the lowered position". Claim 8 now includes the limitation "at least one of the legs being pivotally mounted on the bottom, such that the tines

thereon are foldable between upright and lowered positions so that the dinner plate tilts at an increasing angle as the tines are pivoted from the upright position to the lowered position." The prior art of record neither teaches nor suggests the dishwasher rack comprising the combination set forth in amended claims 1 and 8 with particular reference to the pivoting movement of the tines causing the tilt of a tall object or dinner plate to increase or decrease with the adjustment of the tines. There is neither teaching nor suggestion in Fiocca or Finola to achieve Applicant's invention as stated in amended claims 1 and 8. Claims 2-7 depend from claim 1 and are believed to be allowable for the reasons stated as to that claim. Claims 9-14 depend from claim 8 and are believed to be allowable for the reasons stated as to that claim.

CONCLUSION

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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